

Sentence Review Division
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SENTENCE REVIEW DIVISION
OF THE SUPREME COURT
STATE OF MONTANA

AUG 14 2020

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,)	Cause No. DC-18-639
)	
Plaintiff,)	Lewis & Clark County District Court
)	Montana First Judicial District
-vs-)	
)	DECISION
MARCO C. TATE,)	
)	
Defendant.)	

On November 21, 2019, the Defendant was sentenced to the Montana Department of Corrections for a period of five (5) years, for the offense of Count I: Criminal Possession of Dangerous Drugs (methamphetamine), a Felony, in violation of §45-9-102(1) and §50-32-224(3)(d), MCA. The Department may place the defendant in an appropriate community-based program, facility, or a state correctional institution, with the Court's recommendation that the defendant be screened and placed at an appropriate treatment facility focusing on chemical dependency. The sentence was ordered to run consecutively to the sentence imposed in Cause No. DC-2014-268, of the Montana Fourth Judicial District Court, Missoula County.

On August 7, 2020, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant appeared by video from the Montana State Prison, and was represented by Abigail Rogers, Defense Counsel, who appeared by video from Missoula, Montana. The State was represented by Leo Gallagher, Lewis and Clark County Attorney, who appeared by video. The Defendant gave a statement.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was

further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive. Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 7th day of August, 2020.

DATED this 14th day of August, 2020.

SENTENCE REVIEW DIVISION



Hon. Dan Wilson, Chairperson

Hon. Luke Berger, Member

Hon. Jessica Fehr, Member

Copies mailed or emailed this 14th day of August, 2020, to:

Clerk of District Court – *via email*
Marco C. Tate #2149466, Defendant
Hon. Kathy Seeley – *via email*
Abigail Rogers, Defense Counsel– *via email*
State Office of the Public Defender – *via email*
Katie Jerstad, Esq. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division